

Message Text

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FOR ASSISTANT SECRETARY ATHERTON

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TAGS: SHUM, IR

SUBJECT: HIRC HEARINGS ON HUMAN RIGHTS IN IRAN

1. SUMMARY: MR. WILLIAM BUTLER, CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) AND PRESIDENT AMERICAN ASSOCIATION OF THE ICJ TESTIFIED ON HUMAN RIGHTS IN IRAN BEFORE THE HOUSE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS AUGUST 3. SPEAKING FROM NOTES BUTLER MADE A LENGTHY OPENING STATEMENT (HE DID NOT DISTRIBUTE A PREPARED WRITTEN TEXT) AND THEN ANSWERED A HALF-DOZEN QUESTIONS FROM CHAIRMAN FRASER. BUTLER'S PRESENTATION WAS CAREFULLY BALANCED BETWEEN PRAISE FOR THE ACCOMPLISHMENTS OF THE GOI IN SOCIAL, ECONOMIC AND CULTURAL FIELDS AND CRITICISM OF ITS LACK OF CONCERN FOR CIVIL AND POLITICAL RIGHTS, ALTHOUGH ITS VIOLATIONS OF THOSE RIGHTS COULD NOT BE CHARACTERIZED AS SYSTEMATIC. IN LIMITED OFFICIAL USE

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REPLY TO QUESTIONS, BUTLER CRITICIZED THE DEPARTMENT FOR

NOT PROVIDING MORE SPECIFIC AND INFORMATIVE INFORMATION TO THE CONGRESS ON HUMAN RIGHTS IN IRAN AND QUESTIONED THE DEPARTMENT'S PROFESSED INABILITY TO SUBSTANTIATE ALLEGATIONS OF TORTURE IN IRAN. MEMBERS PRESENT WERE REPS. FRAZER AND SOLARZ, WHO LEFT BEFORE BUTLER FINISHED HIS OPENING REMARKS, AND SEVERAL HIRC STAFF MEMBERS. REPORTERS FROM THE WASHINGTON POST, AP, UPI AND VOA WERE ALSO PRESENT, AS WELL AS A HANDFUL OF IRANIAN STUDENTS. END SUMMARY.

2. THE FOLLOWING IS A SUMMARY OF BUTLER'S OPENING REMARKS WHICH WERE BASED ON THE RECENTLY PUBLISHED STUDY OF HUMAN RIGHTS AND THE LEGAL SYSTEM IN IRAN WHICH HE AND PROFESSOR LEVASSEUR CONDUCTED FOR THE ICJ.

A. THE PERIOD FOLLOWING THE OVERTHROW OF PRIME MINISTER MOSSADEQ IN 1953 WAS ONE OF INCREASED POLITICAL REPRESSION CULMINATING IN THE CREATION OF SAVAK IN 1957. HOWEVER, IN ALL FAIRNESS, ATTENTION MUST ALSO BE GIVEN TO THE SHAH'S "WHITE REVOLUTION" OF 1963, WHICH IS A VERY IMPRESSIVE EFFORT TO INTRODUCE SOCIAL AND ECONOMIC REFORM. ATTACKS ON ILLITERACY, GAINS UNDER THE LAND REDISTRIBUTION PROGRAM, INCREASED MEDICAL SERVICES AND SIGNIFICANT PROGRESS IN THE AREAS OF WOMEN'S RIGHTS ARE EVIDENCE OF THE GOVERNMENT'S CONCERN FOR AND ACTION TO IMPROVE THE WELFARE OF THE POPULATION. ON THE WHOLE, THE GOVERNMENT HAS MADE A SIGNIFICANT CONTRIBUTION IN THE AREAS OF SOCIAL, ECONOMIC AND CULTURAL RIGHTS.

B. THESE GAINS MAKE IT PARTICULARLY DISAPPOINTING TO REPORT THAT THERE HAS BEEN NO PROGRESS IN THE AREA OF CIVIL AND POLITICAL RIGHTS. THE PROVISIONS OF THE 1906 CONSTITUTION CALL FOR EQUAL RIGHTS "EXCEPT IN CONFORMITY WITH THE LAW", WHICH LATTER PROVISIO IS INTERPRETED AS MEANING "EXCEPT WHEN THE SHAH DETERMINES OTHERWISE". SPECIFICALLY, ELIMINATION OF THE TWO PARTY SYSTEM AND THE SHAH'S 1975 DECREE THAT WHOEVER IS NOT IN THE OFFICIAL GOVERNMENT PARTY IS AN OUTLAW OR A COMMUNIST AND SHOULD LEAVE THE COUNTRY ARE EVIDENCE OF A LACK OF POLITICAL FREEDOM. THERE IS NO FREEDOM OF THE PRESS IN IRAN AND THE GOVERNMENT MAINTAINS TIGHT CONTROL OVER THE MEDIA.

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MAINTAINS TIGHT CONTROL OVER THE MEDIA.

-. SAVAK HAS COMPLETE JURISDICTION OVER POLITICAL CASES AND CRIMES AGAINST THE STATE OR THE SHAH. IN ADDITION TO ITS ORGANIZATION OF SOME 200,000 FULL TIME OPERATIVES IN IRAN, SAVAK IS ALSO ACTIVE IN OTHER COUNTRIES, NOTABLY THE U.S. AND FRG. THE REQUIREMENT UNDER IRANIAN LAW THAT ANY PERSON ARRESTED MUST BE ARRAIGNED WITHIN 24 HOURS HAS

BEEN SATISFIED BY APPOINTING EVERY MEMBER OF SAVAK AS AN ARRAIGNING MAGISTRATE. PERSONS ACCUSED OF POLITICAL OFFENSES ARE TRIED BY MILITARY TRIBUNALS AND HAVE NO RIGHT TO COUNSEL OR A PUBLIC TRIAL. JUDGEMENTS ARE CARRIED OUT SWIFTLY AND CONVICTED PERSONS MAY ONLY APPEAL TO A HIGHER MILITARY COURT. THERE ARE APPROXIMATELY 6000 POLITICAL PRISONERS, TWO THIRDS OF WHOM ALSO ARE UNDER DETENTION FOR OTHER CRIMES, LEAVING ABOUT 1500 UNDER DETENTION ONLY FOR EXPRESSIONS OF POLITICAL SENTIMENT.

3. FOLLOWING BUTLER'S OPENING STATEMENT FRASER ASKED HIM TO COMMENT ON VARIOUS STATEMENTS INCLUDED IN A FIVE-PAGE AUGUST 11, 1975 LETTER WHICH FRASER HAD RECEIVED FROM ASSISTANT SECRETARY MCCLOSKEY IN REPLY TO A JUNE 26, 1975 FRASER LETTER WHICH REQUESTED THE DEPARTMENT'S REPLIES TO NUMEROUS QUESTIONS ABOUT HUMAN RIGHTS IN IRAN. FOLLOWING IS NON-VERBATIM TRANSCRIPTION OF THE QUESTIONS AND ANSWERS:

FRASER: DEPARTMENT'S LETTER STATES THIS IS AN AREA IN WHICH THEY HAVE ONLY A LIMITED AMOUNT OF INFORMATION FROM RELIABLE SOURCES. WHAT WAS YOUR EXPERIENCE?

BUTLER: IT IS VERY DIFFICULT TO GET INFORMATION ON THESE HUMAN RIGHTS MATTERS. IRANIANS ARE QUIET AND DON'T TALK TO FOREIGNERS ABOUT THEM. IT IS DIFFICULT TO GET CREDIBLE WELL DOCUMENTED EVIDENCE. WE WERE GIVEN A PLETHORA OF INFORMATION WHICH WE REJECTED BECAUSE WE WERE NOT ABLE TO SUBSTANTIATE IT. THE SITUATION IN IRAN IS VERY TIGHT.

FRASER: DEPARTMENT'S LETTER OBSERVES THAT WESTERN IDEAS OF REPRESENTATIVE GOVERNMENT ARE NEW TO IRAN AND THE SHAH HAS HAD TO DEAL WITH VIOLENT THREATS TO HIS RULE. HOW DO LIMITED OFFICIAL USE

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YOU FEEL ABOUT THIS?

BUTLER: IT IS GENERALLY CORRECT. THERE HAS BEEN A TREMENDOUS AMOUNT OF POLITICAL DISRUPTION IN THE SOCIETY AND THE COMMUNISTS AND OTHERS HAVE USED VIOLENCE. THERE HAVE BEEN FIVE ATTEMPTS ON THE SHAH'S LIFE--BUT HE SAYS HE IS PROTECTED BY A HIGHER AUTHORITY.

FRASER: PLEASE COMMENT ON THE DEPARTMENT'S LETTER IN GENERAL.

BUTLER: I HAVE NO IDEA WHAT INFORMATION AMBASSADOR HELMS AND HIS STAFF ARE PROVIDING TO THE DEPARTMENT. HOWEVER, I BELIEVE THE LETTER COULD HAVE BEEN IN MORE DETAIL. IT IS HIGHLY AMBIGUOUS AND IN EFFECT REALLY SAYS NOTHING.

YOU COULD EXPECT THE EMBASSY IN TEHRAN TO BE MORE SPECIFIC WITH THIS COMMITTEE- THE LETTER, HOWEVER, IS MORE THAN A YEAR OLD AND I BELIEVE YOU WOULD GET A DIFFERENT RESPONSE TODAY.

FRASER: DIFFERENT IN WHAT WAY?

BUTLER: THERE ARE INDICATIONS THAT THERE ARE CURRENTLY LESS INCARCERATIONS AND LESS POLITICAL ARRESTS. THE SHAH ATTEMPTS TO DEAL WITH POLITICAL DISSIDENCE BY FIRST BUYING THE PERSON OFF. IF THAT FAILS, HE IS OFFERED A FREE TICKET OUT OF THE COUNTRY. IF HE REFUSES TO LEAVE, HIS FAMILY MAY BE THREATENED. IF THE SITUATION PERSISTS, THE OFFENDER MAY BE PICKED UP A FEW TIMES. EXTREME METHODS AND TORTURE ARE USED ONLY IN HARD CORE CASES WHERE THESE OTHER MEASURES HAVE FAILED AND ALSO WHERE EXTREME CRIMES ARE INVOLVED. INDICATIONS ARE THAT THIS HAS DIED DOWN IN THE LAST YEAR. FOR EXAMPLE, IT USED TO BE COMMON TO PICK UP VIOLATORS OF THE 14TH POINT, THAT IS PERSONS GUILTY OF OVERCHARGING. SUCH PERSONS WOULD BE HELD FOR A DAY OR SO AND THEN LET GO. EVEN THAT HAS BEEN REDUCED BY A CONSIDERABLE EXTENT. THAT IS IN GENERAL MY IMPRESSION OF THE REPORT. AS FOR THE OTHER PART OF THE DEPARTMENT'S LETTER REGARDING TORTURE, WE HAD NO DIFFICULTY SUBSTANTIATING NUMEROUS CASES SO I DON'T KNOW WHY THE STATE DEPARTMENT SHOULD.

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FRASER: PERHAPS THE DEPARTMENT ISN'T LOOKING.

BUTLER: THOSE INSTANCES OF TORTURE CANNOT HOWEVER BE CHARACTERIZED AS BEING SYSTEMATIC. THERE IS ALSO NO FREEDOM OF THE PRESS OR FREEDOM TO STRIKE. MUCH MORE BRUTALITY IS USED IN THE SUPPRESSION OF STRIKES THAN AGAINST POLITICAL PRISONERS. IRAN IS A SMALL COUNTRY WITH A LACK OF TRAINED LEGAL PERSONNEL, WHICH MAY ACCOUNT FOR SOME OF THE VIOLATIONS. A JOINT COMMITTEE OF SAVAK AND THE NATIONAL POLICE FORCES ALSO PROVIDES SURVEILLANCE ON ALL IRANIAN CITIZENS AND THEY HAVE WAYS OF DISCIPLINING

DISSIDENTS WITHOUT RESORTING TO TORTURE. THE JOINT COMMITTEE CAN WITHHOLD GOVERNMENT SALARIES OR BENEFITS AND DISAPPROVE APPLICATIONS FOR GOVERNMENT JOBS. WHEN YOU CONSIDER THAT 80 PERCENT OF IRANIANS ARE EMPLOYED BY OR RECEIVING BENEFITS FROM THE GOVERNMENT, IT BECOMES A POWERFUL TOOL. IF ANYONE, OR EVEN A MEMBER OF HIS FAMILY OPPOSES THE SHAH, THERE WILL BE NO GOVERNMENT JOB OR BENEFITS. THIS KEEPS A TIGHT LID ON POLITICAL ACTIVITY. SAVAK IS A LAW UNTO ITSELF AND RESPONSIBLE TO NO ONE BUT

THE SHAH. I RECOMMENDED A CHECK ON SAVAK, SUCH AS A COUNCIL OF STATE, WHICH WOULD PLAY AN OMBUDSMAN'S ROLE, AND RECEIVED A FAVORABLE RESPONSE FROM MANY PEOPLE IN THE GOVERNMENT WHO SEEMED TO APPRECIATE THAT THEY MIGHT BE NEXT. IRAN HAS A TRADITIONAL SYSTEM FOR BRINGING ABUSES TO THE SHAH, WHICH MAY SOMETIMES BE CORRECTED, BUT THE SYSTEM DOES NOT WORK WELL.

FRASER: THANK YOU FOR COMING. WE WILL INCLUDE WHAT WE CAN FROM YOUR REPORT IN THE RECORD. PLEASE COME BACK. HABIB

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